STATEMENT TO WESTERN N.W.T.
CONSTITUTIONAL CONFERENCE BY
HONOURABLE JAMES WAH-SHEE

JANUARY 19 - 22, 1982
YELLOWKNIFE, N.W.T.

Mr. Chairman, on behalf of the Executive Committee of the G.N.W.T. I am pleased to have this opportunity to participate in this conference to discuss the political and constitutional future of the Western Northwest Territories. This conference is an important and necessary beginning of a process to reach a consensus on the type, form and style of government that is appropriate for the Western Northwest Territories.

The assumption of course, is that division of the Northwest Territories will happen. The Executive Committee is in support of such a development subject to the positive outcome of the plebiscite on division to be held this April. It is therefore imperative that the basic ground work get underway now to ensure that both new territories are prepared to deal with the changes that will be required in establishing them.

As you are no doubt aware, in the fall of last year, the Executive Committee developed and published a discussion paper on political and constitutional development in the north entitled, "Our Land, Our Future." That paper emphasized the need to address the issue of a Western N.W.T. and set out some broad principles from which this kind of development could proceed.

Before proceeding further Mr. Chairman, I would like to take some time to outline these broad principles and to expand upon them a little.

FIRST, Government decision making should rest as closely as possible with those governed.

- This means that any government in the North should be committed to and have enabling legislation/policies for the decentralization

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and devolution of programs and services to regional and community governments.

- It also means that there should be a greater transfer of autonomy at the territorial level from the Federal Government.

SECOND, Every level of government in the Northwest Territories must have sufficient power, authority, and resources available vested in it to enable it to carry out its responsibilities.

- This follows from principle #1. If greater autonomy is gained and as a result more responsibilities are passed on, then it is essential that sufficient power, authority and resources are also passed on. If not then the lower levels of government are little more than administrators for the senior level of government.

THIRD, Government should be representative of and accountable to the people of the Northwest Territories.

- In many respects the existing territorial government although somewhat more responsive than it was in the past is still accountable to the Federal Department of I.A.N.D. through the office of the Commissioner. Accountability to the people of the N.W.T. is achieved (at least to the extent that it is so in the rest of Canada) when responsible government is in place.

FOURTH, Residents of the Northwest Territories should enjoy political rights and privileges equal to those enjoyed by other Canadians.

- On the surface there appears to be few differences in political rights and privileges between residents of the N.W.T. and of a

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province. However, a closer look will show that this is not accurate:

- as noted above we do not have responsible government, thus, there is no real line of accountability between the voters and those in office;
- we do not own or control the land and resources in the territories;
- all our legislation is subject to the various Acts of the Parliament of Canada.

In short, we are little more than a colony.

LASTLY, Residents of the Northwest Territories should assume the major responsibility for determining the constitutional framework of the N.W.T. and the direction of political change within that broad framework.

- As you are no doubt aware, the Minister of I.A.N.D. has at this time a document before the Federal Cabinet on Constitutional Development in the Northwest Territories. If we are to play a meaningful role in determining our own political and constitutional future there is a need to present a united front as Northern residents. What is happening here today is the continuation of Northern initiatives in the shaping of our own political and constitutional destiny. This is a relatively new preoccupation of ours and there are many difficulties that will need to be overcome in order to reach a consensus. Nevertheless it is our right, indeed our duty to see it through to its successful conclusion.

It is my hope that during the course of this conference these broad principles for political and constitutional development along with any others that you

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feel are appropriate can be addressed and a consensus reached on them.

In developing the discussion paper, "Our Land, Our Future" it was hoped that it would serve as a catalyst in the process for reaching a consensus for recommendation to the Legislative Assembly on the political and constitutional future of the North. The first part of the paper is most relevant to this current discussion for, as I noted earlier the focus is on the future of the Western Northwest Territories. The second part deals exclusively with the division of Federal-Territorial powers and is of secondary importance at this stage.

Essentially, the first part dealing with the internal restructuring of the N.W.T. indicates that there is a consensus emerging in the Eastern N.W.T. on the form and style of public government appropriate for Nunavut. However, the question of political development in the Western N.W.T. has yet to be addressed in its own right. A process for affecting change that would be agreeable to all major groups in the N.W.T. is discussed and a number of assumptions are suggested as being fundamental to such a process. The original view as expressed in the paper was to have one process for change for the whole N.W.T. However, it became clear during the last Session of the Legislative Assembly that there is a need for two separate processes. There is no reason why the Western N.W.T. could not have a process to reach a consensus on its political and constitutional future while the Eastern N.W.T. would have another process. Indeed, if division of the N.W.T. is to become a reality, then this approach makes sense. This matter however, can be discussed in detail during this conference.

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I would like therefore at this point Mr. Chairman, to outline the fundamental assumptions that are felt to be important to the successful development of a process for affecting change and then go on to talk a bit about what such a process might look like.

1. Native associations should participate fully in the process of political and constitutional change in the N.W.T.
2. Rights and freedoms granted in Aboriginal Claims Settlements should be protected in law.
3. The G.N.W.T. will ensure that all peoples of the N.W.T. are properly represented at aboriginal claims negotiations when the subject of political and constitutional change is being discussed.
4. The transfer of greater authority and responsibility from the Federal to the existing Territorial Government should continue only if the native claimant groups are fully involved in the process for transfer and a consensus reached.
5. The length of residency required for voting in any political and constitutional development process is an issue that can be addressed during discussions to reach a consensus on change.

These and other assumptions should be examined during the course of this conference.

I also feel it is important to draw your attention to a principle explicitly stated in "Our Land, Our Future," that any process for affecting change that may be developed and adopted should include the forum of aboriginal claims negotiations as an integral part of that process. The paper called for the Executive Committee to facilitate the development of a process for change in conjunction with all parties concerned. It was felt that the various organizations

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in the North would have their own ideas and views on the kind of process that would be most appropriate. In view of this it was thought that the best course of action would be to encourage the development of these ideas and provide forums through which all groups could discuss the various proposals and reach a consensus. The Dene/Metis have already made their proposal for a process for change public and is one that merits serious consideration. I urge the delegates at this constitutional conference to seriously address the need to develop and agree on a process to affect political and constitutional change.

There ae a number of proposals for change that have been put forward in recent times. The Territorial Government paper "Our Land, Our Future;" the Dene/Metis proposal for public government entitled, "Public Government for the People of the North;" and, the C.O.P.E. proposal for a form of Western Arctic Regional Municipality. These and other proposals that may be presented will serve us well in our efforts to build consensus on the political and constitutional future of the Western N.W.T.

In discussing the internal restructuring of the N.W.T. the issues of regional forms of government, as well as devolution ought to be addressed. The Territorial Government is committed to the devolution of government services and programs to regional and community government bodies. It is also supportive of initiatives from communities of a geopolitical region that have common goals and objectives to develop regional government. Whether division of the N.W.T. becomes a reality or not, initiatives in the area of devolution and the development of regional government can be pursued in accordance with the style, forms and traditions that the peoples of the North feel are appropriate.

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The principle of passing greater political and administrative authority, responsibility and resources to the regional and community levels of government is not one that is met with any real opposition. However, the extent of the authority and responsibility that could be devolved needs to be carefully addressed.

The Executive Committee in March of 1981 approved some principles for regional government for the consideration of the communities. I would like therefore to outline these principles for your consideration during this conference. The result of your input would serve as the basis for further discussions at the community level.

1. It is the position of the Territorial Government not to promote regional government but rather, to respond to requests from the community level to participate in the development of such an entity.
2. Any regional entity shall derive its power from the Legislative Assembly.
3. Regional structures should develop based on the common interest of communities as expressed through their community governments.
4. The main point of contact of this Government in the development of a regional entity will be the local community governments.
5. In choosing regional government representatives, all residents within the region shall have the right to vote and run for office (subject to age and residency requirements).
6. Regional government bodies, as public institutions must make services available on an equitable basis to all residents.
7. In determining regional government boundaries aboriginal claimant groups must be involved in that process to ensure that their aboriginal claims are not prejudiced.

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Mr. Chairman, I am hopeful that we can reach agreement on at least two major items during this conference. The first, is an agreement on the principles that ought to underpin political and constitutional development in the Western N.W.T. The second is an agreement on the process to reach consensus on change. I understand of course that to achieve these two goals may take some time. However, this conference is just the first of what I hope will be many and merely one of the forums where discussion on political and constitutional change will take place. There will, I trust, be regional and community meeting where local residents will have the opportunity to voice their ideas and concerns.

In conclusion then, I would like to table on behalf of the Executive Committee of the N.W.T. the discussion paper "Our Land, Our Future" as one of the documents to be addressed during this conference. This paper, along with the Dene/Metis proposal for a government of Denendeh and C.O.P.E.'s W.A.R.M. proposal should provide us with more than an adequate amount of material to begin this important process of consensus building on the political future of the Western N.W.T. Thank you.